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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,356	02/13/2002	Hsin-Tsai Wu	041781-5027	5487

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EXAMINER

RIVELL, JOHN A

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/073,356	Applicant(s) WU, HSIN-TSAI	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/21/04 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's arguments filed September 21, 2004 have been fully considered but they are not persuasive.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. §102 (b) as being anticipated by Franck.

The recitation “for an inflatable object” and all references to “air” are statements of intended use bearing no patentable weight.

Phrases such as “adapted to be...” is language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

The patent to Franck discloses a valve controlling the flow of fluid comprising “ a rigid, tubular valve body (1,2)... defining (a) passage that has a front portion (left) and a rear (right) portion; a sealing member (at seat 9) disposed fixedly within said front portion of said... passage of said valve body; a rotary member (3) disposed rotatably on said valve body (2) in such a manner to prevent forward and rearward movement of said rotary member relative to said valve body (see wire coupling 27); and a rigid, tubular movable member (4) disposed movably and non-rotatably (via friction with seal packing 16) within said rear portion of said... passage and having a rear end opening (at end 33)..., and a front end wall (32) that is formed with an aperture unit (40), through which said opening (at end 33) is in fluid communication with said... passage in said

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valve body, said aperture unit (40) being aligned with said sealing member (9), said movable member (4) being connected to said rotary member (by threads 35) so that, when said rotary member (3) rotates on said valve body (1, 2), said movable member (4) can move (reciprocate) within said passage between a sealing position, where said front end wall (32) of said movable member (4) abuts against said sealing member (9) so as to close said aperture unit (40) such that... flow between said opening (at end 33) in said movable member (4) and said... passage in said valve body is stopped, and an open position (such as that shown in figure 2), where said front end wall (32) of said movable member (4) is spaced apart from said sealing member (6) so as to open said aperture unit (40) in said movable member (4), thereby permitting... flow between said opening (at end 33) in said movable member (4) and said... passage in said valve body" as recited.

Regarding applicants remarks, it is understood that applicants argument is based on the Examiners previous statement indicating "seat 6" which, upon review, appears to be an unfortunate typographical error. As is now apparent, valve seat 9 of Franck, disclosed at page 2, left column, lines 5-7, is read as a "member disposed fixedly within said front portion of said... passage of said valve body" as recited in claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franck in view of Silverman et al.

The patent to Franck discloses all the claimed features with the exception of having "sealing member...configured as an annular gasket, said valve body having a circular tubular portion, which is formed with an inward flange that extends radially and inwardly therefrom, said gasket having an outer surface which is formed with an annular groove that engages fittingly said inward flange of said valve body, thereby fixing said gasket to said valve body".

The patent to Silverman et al. discloses that it is known in the art to employ an annular gasket seal element 44, formed to fit about a flange element 42 of the valve body seat for the purpose of perfecting fluid tight closure of the valve.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Franck, an annular gasket fitting about a flange element at seat 6 of Franck for the purpose of perfecting fluid tight closure of the valve as recognized by Silverman et al.

Regarding applicants remarks, it is understood that applicants argument is based on the Examiners previous statement indicating "annular gasket seal element 24" which, upon review, appears to be an unfortunate typographical error. As is now apparent, the "annular gasket seal element" is read at gasket 44 of Silverman et al. which fits on a flange element 42 as disclosed at column 2, lines 41-42.

Claims 2-5 are allowed.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.